

EXHIBIT “C”

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - -X
EDWARD REICHERTER, :
 :
Plaintiff, :
 :
-against- :
 :
TOWN OF HEMPSTEAD, :
 :
Defendant. :
- - - - -X

100 Garden City Plaza
Garden City, New York

August 20, 2018
10:23 o'clock a.m.

DEPOSITION of EDWARD REICHERTER, the
Plaintiff herein, taken by the Defendant,
pursuant to Notice, held at the above-mentioned
time and place, before Patricia Severin, a
Notary Public of the State of New York.

* * *

1 Edward Reicherter 15

2 your CDL, your ramset certificate and your

3 certificate for operating a forklift through

4 the Town of Hempstead; is that correct?

5 A Yes.

6 Q Now was that a course provided by

7 the Town?

8 A Yes.

9 Q Was it one course, multiple courses

10 or something else?

11 A One course.

12 Q Did you have to take any followup

13 courses after those initial courses, in order

14 to maintain those certificates?

15 A No.

16 Q Are you currently employed?

17 A Yes.

18 Q And who are you employed by?

19 A Town of Hempstead Parks and

20 Recreation.

21 Q Other than the Town are you

22 currently employed by anyone else?

23 A No.

24 Q Currently what is your title with

25 the Town of Hempstead?

1 Edward Reicherter 16

2 A Park Supervisor 3.

3 Q Currently, as we sit here today,
4 what are your duties as a park supervisor 3?

5 A Right now I'm working for tech
6 services in the construction part of the Town
7 of Hempstead.

8 Q And what are your daily job
9 responsibilities in that role?

10 A Construction work, cement work,
11 carpentry, just about -- painting. Just about
12 anything that coincides with construction in
13 the Town of Hempstead.

14 Q So when you say construction in the
15 Town of Hempstead, will you go to various
16 buildings within the Town in order to perform
17 this construction work?

18 A Yes.

19 Q And currently who is your
20 supervisor at tech services?

21 A Terrence Murray.

22 Q Do you know what his title is?

23 A I believe he's got the same title I
24 do.

25 Q When did you first become employed

1 Edward Reicherter 17

2 by the Town of Hempstead?

3 A November of 19 -- full time or part
4 time?

5 Q Let's start with part time.

6 A Part time? I'm going to say it was
7 the summer of '82, 1982, part time.

8 Q Were you a seasonal worker in the
9 summer of '82, or a part-time worker, if you
10 know?

11 A I don't know. I don't think they
12 had it back then. I don't think they had
13 seasonal/part-time back then.

14 Q Okay. For the purposes of the
15 deposition I'm just going to say that you had a
16 part-time position with the Town,
17 notwithstanding the current distinction in the
18 Town between a part-time employee and a
19 seasonal employee.

20 A Okay.

21 Q Do you understand?

22 A I understand, yes.

23 Q Okay. So when you were a part-time
24 employee with the Town what were your work
25 hours?

1 Edward Reicherter 18

2 A At the beach I was 6:00 to 2:00,
3 7:00 to 3:00.

4 Q Did you work anywhere other than
5 the beach?

6 A Yes.

7 Q Where else did you work?

8 A I was at Echo Park.

9 Q And what was your shift at Echo
10 Park?

11 A The shifts would -- it was open at
12 7:00 in the morning and closed 10:00 at night.
13 So I could -- I worked any time in between
14 there when they needed -- as needed, being part
15 time.

16 Q But you worked eight-hour shifts?

17 A Eight-hour shifts.

18 Q Now when did you become a full-time
19 employee of the Town of Hempstead?

20 A November of 1985.

21 Q And when you became a full-time
22 employee in 1985 what title did you hold with
23 the Town?

24 A Laborer 1.

25 Q How did you get your position with

1 Edward Reicherter 29

2 A Yes.

3 Q We're just going to go through
4 briefly to look at the titles that you've held
5 within the Town of Hempstead that you've just
6 testified to, just to refresh your
7 recollection; okay?

8 A Thank you.

9 Q Okay. So at the top of the page
10 you'll see the very first row, it says November
11 12th, 1985, laborer 1. That is the first
12 full-time title that you've held with the Town
13 of Hempstead; correct?

14 A Correct.

15 Q Okay. And if you go about halfway
16 down the page, you'll see in the left-hand
17 column there's a date, it says August 8th,
18 1988. And next to that it says maintenance
19 mason; do you see that?

20 A Yes.

21 Q Is that the next title that you
22 held with the Town of Hempstead after you were
23 a laborer 1?

24 A Yes.

25 Q Is that a tested position?

1 Edward Reicherter 30

2 A No.

3 Q Okay. And how did you obtain that

4 title?

5 A Through, I guess, my work ethic.

6 Q Your work ethic?

7 A Ethic, yes.

8 Q All right. So you were appointed

9 to the title of maintenance mason; correct?

10 A Yes.

11 Q Now if you turn to the second

12 page --

13 A (Complying).

14 Q (Continuing) -- which is Bates

15 stamped TOH-REICH00002, you'll see, again about

16 halfway down the page, in that first column on

17 the left, there's a date that says January

18 15th, 1996, and right next to that date it says

19 maintenance mechanic 2.

20 Is that the next title that you

21 held after being a maintenance mason?

22 A Yes.

23 Q Okay. Is that a tested position?

24 A No.

25 Q Okay. That was also an appointed

1 Edward Reicharter 31

2 position; correct?

3 A Yes.

4 Q Now if you go down the same page
5 you'll see a date in the column on the left
6 that says November 23rd, 1998. And next to
7 that it says groundskeeper 3.

8 Is that the next title you held
9 after being a maintenance mechanic 2?

10 A Yes.

11 Q Is that a tested position?

12 A No.

13 Q So you were appointed to that
14 position; correct?

15 A Yes.

16 Q Okay. If you turn to the next
17 page --

18 A (Complying).

19 Q (Continuing) -- this is the page
20 that's Bates stamped TOH-REICH00003, you see
21 towards the top of the page, in that left-hand
22 column, there's a date, it says August 14th,
23 2000, and next to it it says park supervisor 1.

24 A Yes.

25 Q Is that the next title that you

1 Edward Reicherter 32

2 held after being a groundskeeper 3?

3 A Yes.

4 Q Is that a tested position?

5 A Yes.

6 Q Do you recall when you took the

7 test in order to obtain the park supervisor 1

8 title?

9 A No.

10 Q Now what were your job duties as a

11 park supervisor 1?

12 A Office work, scheduling, ordering

13 equipment and supervising.

14 Q How many employees did you

15 supervise at that time?

16 A I don't know.

17 Q As a park supervisor 1 were you

18 assigned to a specific park within the Town of

19 Hempstead?

20 A Yes.

21 Q Do you remember the names of any of

22 the parks that you were assigned to as a park

23 supervisor 1?

24 A Hewlett Point Beach.

25 Q If I said Hewlett Point Park --

1 Edward Reicherter 33

2 A Yes.

3 Q (Continuing) -- would that

4 refresh--

5 A Yes.

6 Q (Continuing) -- your recollection?

7 A Hewlett Point Park, yes.

8 Q Any other parks?

9 A Merrick Road Park.

10 Q As a park supervisor 1 what kind of

11 office work did you do?

12 A Sign documents, sign paperwork.

13 Q Like what kind of paperwork?

14 A Well, order forms, receipts.

15 That's all I could remember.

16 Q Okay. Now if we go back to what

17 has been marked as Defendant's Exhibit C, if

18 you stay on that third page that's Bates

19 stamped TOH-REICH00003, if you look towards the

20 bottom of that page, in that same left-hand

21 column we've been talking about, you'll see the

22 date of November 17th, 2004, and next to that

23 date you will see it says park supervisor 2; do

24 you see that?

25 A Yes.

1 Edward Reicherter 34

2 Q Is that the next title that you
3 held after being a park supervisor 1?

4 A Yes.

5 Q Is that a tested title?

6 A Yes.

7 Q Do you recall when you took that
8 test?

9 A No.

10 Q What were your job duties as a park
11 supervisor 2?

12 A The same as park supervisor 1.

13 Q As a park supervisor 2 did you also
14 supervisor certain parks within the Town of
15 Hempstead?

16 A No.

17 Q You didn't?

18 A No.

19 Q So what did you do as a park
20 supervisor 2?

21 A I was put in a park as a laborer.
22 I was put back as a laborer in a park.

23 Q If you look back at Defendant's
24 Exhibit C it says you began working as a park
25 supervisor 2 in November of 2004; is that

1 Edward Reicherter 45

2 Q After you were park supervisor 2
3 did you then become a park supervisor 3?

4 A Yes.

5 Q Now is that a tested position?

6 A Yes, it is.

7 Q Do you recall when you took that
8 test?

9 A No.

10 Q Do you recall when you began
11 working within the title of park supervisor 3?

12 A Probably within May 6th, that --
13 May 6th.

14 Q So sometime in May, 2009 --

15 A Yes.

16 Q (Continuing) -- correct?

17 Just wait until I finish the
18 question.

19 In May of 2009, when you became a
20 park supervisor 3, were you still working
21 within Oceanside Park?

22 A I don't remember.

23 Q Okay.

24 A I don't remember.

25 MS. COSTELLO: Off the

1 Edward Reicherter 62
2 Department.
3 Do you see that?
4 A Yes.
5 Q When did you first become involved
6 in the East Rockaway Fire Department?
7 A October of 1992.
8 Q Were you a firefighter within the
9 department in October of 1992?
10 A Yes.
11 Q Okay. When did you first become an
12 assistant chief within the fire department?
13 A 2006.
14 Q Now I just want to clarify
15 something. Going forward, when I say fire
16 department, I'm referring to the East Rockaway
17 Fire Department; okay?
18 A Yes.
19 Q Do you understand?
20 A Yes.
21 Q Okay. You just testified that you
22 first became an assistant chief in 2006;
23 correct?
24 A Correct.
25 Q Within the fire department are

1 Edward Reicherter 69

2 Q Okay. In paragraph 8 of the
3 Complaint you indicate that you have served as
4 chief of the department; do you see that in the
5 document --

6 A Yes.

7 Q (Continuing) -- that's before you?

8 A Yes.

9 Q Okay. When did you first become
10 chief of the East Rockaway Fire Department?

11 A 2010.

12 Q Did you serve as chief just for
13 that year?

14 A Yes.

15 Q Did there come a time when you were
16 reelected chief of the department?

17 A Yes.

18 Q And when was that?

19 A 2014.

20 Q And did you serve as chief just for
21 the year of 2014?

22 A Yes.

23 Q In 2015 were you elected as chief?

24 A No.

25 Q In 2015 were you elected as

1 Edward Reicherter 71

2 date, and who was on the roster.

3 Q Okay. And in this paragraph you
4 state you started going on fire calls while you
5 were at Oceanside Park; correct?

6 A Correct.

7 Q When did you first start going on
8 fire calls as an employee of the Town of
9 Hempstead?

10 A In 1992, when I joined the
11 department.

12 Q When you joined the department as a
13 firefighter?

14 A Yes.

15 Q From 1992 through 2006, when you
16 were transferred to Oceanside Park, did you
17 attend fire calls while employed by the Town of
18 Hempstead?

19 A Yes.

20 Q So you would leave whichever park
21 you were assigned to at the time to attend a
22 fire call, and then return to work?

23 A Only within the responding
24 district, yes.

25 Q What's a responding district?

1 Edward Reicherter 72

2 A I was told it was two miles radius
3 of my responding area.

4 Q A two-mile radius from where?

5 A Wherever I was stationed at that
6 time for the Town of Hempstead, or working.

7 Q So if you were stationed in
8 Oceanside --

9 A Yes.

10 Q (Continuing) -- was that within a
11 two-mile radius of the Village of East
12 Rockaway?

13 A Yes, it is.

14 Q So in Oceanside you would have
15 responded to fire calls because it was within
16 your responding district; correct?

17 A Correct.

18 Q Okay. Now you just said that you
19 were told that your responding district was
20 within two miles of whichever park you were
21 assigned to in Hempstead; correct?

22 A Yes.

23 Q Who told you that?

24 A I don't remember.

25 Q Was it a Town employee?

1

Edward Reicherter

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2

Q Did the Town of Hempstead have a

3

policy that allowed members of local fire

4

departments to attend fire calls during working

5

hours?

6

A Not that I know of.

7

Q Did the Town have an unwritten

8

policy that allowed members of local fire

9

departments to attend fire calls during work

10

hours?

11

A Yes, unwritten.

12

Q Unwritten?

13

A Yes.

14

Q What was this unwritten policy, to

15

the best of your recollection?

16

A That if you're within your

17

responding area and the call comes in you're

18

allowed to go. And that was before me, and

19

probably after me.

20

Q Before me, meaning --

21

A Before I was ever involved --

22

Q Wait --

23

A (Continuing) -- with the fire

24

department.

25

Q (Continuing) -- until I finish the

1

Edward Reicherter

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2

knowledge I would say yes.

3

Q And what was the sum and substance

4

of that conversation?

5

A I don't remember.

6

Q Did Mike Sullivan advise you that

7

you had to submit some kind of documentation

8

showing that you had responded to fire calls,

9

to him, when you responded to fire calls at

10

Oceanside Park?

11

A Yes.

12

Q And did you submit documentation to

13

him, showing that you did in fact respond to

14

fire calls --

15

A Yes.

16

Q (Continuing) -- while at Oceanside

17

Park?

18

A I'm sorry, yes.

19

Q What kind of documentation did you

20

submit to him?

21

A The call sheet.

22

Q The fire call sheet that we talked

23

about earlier?

24

A Yes.

25

MS. COSTELLO: Would mark

1 Edward Reicherter 122

2 presence of a CSEA representative.

3 Do you recall that?

4 A Yes, during the time I signed it.

5 Q So when you signed it was the first
6 time that this issue had been brought to your
7 attention; is that correct?

8 A Correct.

9 Q Okay. Are you presently a coach
10 for the East Rockaway High School?

11 A No.

12 Q Were you a coach for the East
13 Rockaway High School at the time of this Notice
14 of Discipline and Charges which is dated
15 November 6th, 2009?

16 A Yes.

17 Q When did you first become a coach
18 for the East Rockaway High School?

19 A That was my first. I was just
20 employed at that time. Probably August --
21 well, July of 2009.

22 Q Now was that a summer position with
23 the school or was it meant to be for a longer
24 term?

25 A Like a pre-derm (sic) summer. But

1 Edward Reicherter 127

2 Ninivaggi told you that the Commissioner, Joe
3 Bentivegna, said if you grieved this discipline
4 you're fired; is that what your testimony is?

5 A Yes.

6 Q Did you ever speak to Joe
7 Bentivegna about that?

8 A He would never take my calls or
9 speak to me about it.

10 Q But you did admittedly leave your
11 shift at the Town of Hempstead during working
12 hours to go work at the East Rockaway High
13 School District; correct?

14 A Correct.

15 Q Okay. Did you meet with John
16 Ninivaggi in order to sign this Notice of
17 Discipline and Charges?

18 A Yes.

19 Q Was anyone else present at that
20 time?

21 A No, he -- the CSEA representative
22 was asked to leave the room.

23 Q And who asked the CSEA
24 representative to leave the room?

25 A John Ninivaggi.

1 Edward Reicherter 129

2 Q In that paragraph you state, In or
3 around July, 2010 Mayor Ed Sieban passed away.
4 Following Mayor Sieban's passing things changed
5 for the Plaintiff politically.

6 Who was Ed Sieban?

7 A He was the Mayor of the East
8 Rockaway -- Village of East Rockaway, and he
9 also worked for the Town of Hempstead Council
10 Room.

11 Q Who did he work for?

12 A The council, the Town of Hempstead
13 Council.

14 Q The Town Board?

15 A The Town Board.

16 Q What was his position with the Town
17 Board?

18 A I do not know. I don't know if he
19 was -- I mean I don't know.

20 Q Was he an executive assistant to a
21 council member?

22 A I think to the whole board, to the
23 best of my knowledge.

24 Q Okay. Now in the second sentence
25 of that paragraph you state, Things changed for

1 Edward Reicherter 130

2 Plaintiff politically.

3 What does that mean?

4 A Well, he was the mayor and he was
5 easy to work with, and we were both from the
6 same political party together. And after that
7 had happened they wanted to run another mayor
8 for his position. And being that I was chief
9 of the department at the time I had to stay
10 bipartisan mutual, because if this side won, I
11 would have to work -- if one side or the other
12 side won the election, being chief of the
13 department I had to work with either side, so I
14 stayed neutral within this election. And I
15 live in the Town of Hempstead, I don't live in
16 the Village, so I can't vote anyway.

17 Q You just said that you were in the
18 same political party as Ed Sieban; correct?

19 A Correct.

20 Q And which political party is that?

21 A The Republican Party.

22 Q Are you currently still involved
23 with the Republican Party?

24 A No.

25 Q When did you first become involved

1 Edward Reicherter 131

2 in the Republican Party?

3 A 1986 or '7.

4 Q In 1986 or '7 were you involved in
5 the East Rockaway Republican Club?

6 A Yes.

7 Q Did you ever hold the position of
8 committeeman with the East Rockaway Republican
9 Club?

10 A Yes.

11 Q When did you first become a
12 committeeman?

13 A 1988, '89.

14 Q Are you still a committeeman?

15 A No.

16 Q What were your duties as
17 committeeman?

18 A Selling tickets. Doing petitions,
19 signing -- get signatures on a petition.
20 Coordinate fundraising events for the
21 committee.

22 Q How does one become a committeeman?

23 A You get appointed.

24 Q Who appointed you as a
25 committeeman?

1 Edward Reicherter 142

2 three.

3 Q Okay. Now it goes on to state,
4 Plaintiff did not go on fire calls while
5 holding this position. Newbridge Road Park is
6 located outside of the responding districts.

7 Do you see that?

8 A Yes.

9 Q So earlier you discussed that if
10 you were located within a park that was within
11 two miles of East Rockaway, you were able to
12 attend fire calls; correct?

13 A Correct.

14 Q Now since Newbridge Road Park was
15 located outside of that two-mile radius, you no
16 longer went on fire calls during that time;
17 correct?

18 A Correct.

19 Q When you were supervisor of
20 Newbridge Park?

21 A Correct.

22 Q Okay. At the time that you became
23 supervisor of Newbridge Road Park what was your
24 civil service title?

25 A Park supervisor 3.

1 Edward Reicherter 143

2 Q While you worked as the supervisor
3 of Newbridge Road Park did you know an
4 individual by the name of Brian Dazzo?

5 A He was one of my assistants in the
6 office.

7 Q He was an assistant supervisor of
8 the park?

9 A No.

10 Q He was just an assistant?

11 A Yes.

12 Q Do you know what his civil service
13 title was?

14 A At that time I believe -- I really
15 don't know. I didn't know what his title was.

16 Q Do you recall when you first met
17 Brian Dazzo?

18 A When I was transferred on April
19 25th.

20 Q So he was already working at
21 Newbridge Road Park at the time?

22 A Yes.

23 Q And that is April 25th, 2011;
24 correct?

25 A Correct.

1 Edward Reicherter 158

2 Yes, in 2012.

3 Q It was in 2012?

4 A Yes.

5 Q When you were transferred from
6 Newbridge to Shell Creek did your title change?

7 A No.

8 Q So you were still a park supervisor
9 3; correct?

10 A Correct.

11 Q When you were transferred from
12 Newbridge to Shell Creek did you receive a
13 decrease in pay?

14 A No.

15 Q Now if you look at paragraph 17 of
16 your Complaint, it's on page 5 --

17 A (Complying).

18 Q (Continuing) -- the second sentence
19 says, At such time Plaintiff was inexplicably
20 transferred to Shell Creek, Island Park, as a
21 backup supervisor to John Zappolo.

22 What were your duties you as a
23 backup supervisor?

24 A Actually I think I was third in
25 charge.

1 Edward Reicherter 161

2 A Mike Zappolo through John Zappolo.

3 Q And who is John Zappolo?

4 A The supervisor.

5 Q The supervisor of --

6 A Of Shell Creek.

7 Q (Continuing) -- Shell Creek Park?

8 Wait until I finish.

9 A I'm sorry. I'm sorry.

10 Q That's okay.

11 Of Shell Creek Park?

12 A Yes.

13 Q Now you had just mentioned that

14 there was already another assistant supervisor

15 of Shell Creek Park; correct?

16 A Correct.

17 Q Who was that individual?

18 A I believe her name was Barbara, but

19 I don't remember her last name.

20 Q Barbara Simms; does that refresh

21 your --

22 A No.

23 Q No?

24 A No, she's recreation.

25 Q Okay.

1 Edward Reicherter 167

2 A Yes.

3 Q Would they generally come after
4 3:00 o'clock or before 3:00 o'clock?

5 A Both.

6 Q Both, okay.

7 Did it depend on the time of the
8 year?

9 A No.

10 Q Okay.

11 A Well, yes, I'm sorry.

12 In the spring, when the kids were
13 in school, they would come after 3:00 o'clock.

14 Q Okay.

15 A And then during the summer they
16 would start at 8:00 o'clock in the morning and
17 finish 8:00 o'clock at night.

18 Q Okay. I want to go back. If you
19 look at, back to Exhibit L, the Complaint --

20 A Uh-hum.

21 Q (Continuing) -- if you look at
22 paragraph 18 --

23 A Uh-hum.

24 Q (Continuing) -- it says, Meanwhile,
25 Plaintiff's backup supervisor at the Newbridge

1 Edward Reicherter 168

2 Road location, Brian Dazzo, became the new park
3 supervisor. This was especially curious, as
4 Dazzo had far less qualifications than
5 Plaintiff and had never before held a
6 supervisory position. Despite Dazzo's inferior
7 employment history Defendant appointed him as
8 park supervisor, over Plaintiff, at its
9 Newbridge Road location.

10 Do you see that?

11 A Yes.

12 Q You claim in this paragraph that
13 Mr. Dazzo had far less qualifications than you
14 in order to be the supervisor of Newbridge
15 Park; correct?

16 A Correct.

17 Q On what facts do you base that
18 belief?

19 A Because I believe he was only put
20 in the park in January, which is four months
21 before I was put in the park in May. And I
22 figure I have 35 -- at that time, probably 28
23 years in the Parks Department, where he had a
24 year and a half, not even.

25 Now I'm not sure when he was

1 Edward Reicherter 174

2 Mr. Dazzo was previously a vice president of
3 JPMorgan Chase Bank?

4 A No.

5 Q If you look at paragraph 19 of the
6 Complaint --

7 A (Complying), uh-hum.

8 Q (Continuing) -- on that same page
9 that we've been looking at, The Plaintiff's
10 transfer put him back in responding distance
11 and Plaintiff proceeded to go on fire calls and
12 reported to his supervisor John Zappolo.

13 Do you see that?

14 A Yes.

15 Q When you first began working at
16 Shell Creek Park did you have a conversation
17 with John Zappolo about you attending fire
18 calls in East Rockaway?

19 A Yes.

20 Q When did that conversation occur?

21 A Sometime after I was transferred
22 there.

23 Q Do you recall the sum and substance
24 of that conversation?

25 A No. He knew I was chief, because I

Edward Reicherter

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1
2 had the chief truck, and he says as long as I
3 call and report, he has no problem.

4 Q Did he require you to submit fire
5 call sheets to prove that you had been on fire
6 calls?

7 A No.

8 Q He just wanted you to call him and
9 tell him that you were leaving the park to go
10 to a fire call; is that your testimony?

11 A Yes.

12 MS. COSTELLO: Would you mark
13 this, please, as Defendant's
14 Exhibit X.

15 (Above-described marked as
16 Defendant's Exhibit X, for
17 Identification, as of this date.)

18 Q Okay, Mr. Reicherter, I am going to
19 show you an exhibit that's been marked as
20 Defendant's Exhibit X. It's entitled Town of
21 Hempstead Department of Parks and Recreation
22 Inter-Department Memo. It's Bates stamped
23 TOH-REICH00166.

24 (Handing Defendant's Exhibit X to
25 the witness).

1 Edward Reicherter 184

2 If you turn to paragraph 21, on the
3 next page --

4 A (Complying).

5 Q (Continuing) -- it says, At such
6 time Plaintiff took emergency leave from his
7 duties with the Defendant. Specifically,
8 Plaintiff did not work from approximately
9 November, 2012 to the beginning of January,
10 2013.

11 Do you see that?

12 A Yes.

13 Q What do you mean by emergency
14 leave?

15 A Well, at the time that Hurricane
16 Sandy had hit, I got a call from my supervisor,
17 John Zappolo, telling me that Town Hall was
18 closed, and that we're not working that day,
19 that he'll be in touch with me.

20 At this time a week goes by, I
21 called John Zappolo, who I heard that everybody
22 was working overtime because of Hurricane
23 Sandy, and advised him that I'm available, I
24 could work overtime; he was working with the
25 Commissioner at the time, Joe Bentivegna. He

1 Edward Reicherter 185

2 said, I'll put the Commissioner on.

3 The Commissioner would not get on
4 the phone. Because I was going to ask him that
5 I was available, because I could use the
6 overtime to pay for the damages in my house.
7 He denied to get on the phone.

8 And at this time I had asked my
9 supervisor John Zappolo to ask him if I could
10 have emergency vacation time, because I was
11 going to work on my house, and he granted me
12 the emergency vacation time, over the phone.

13 Q When you say he granted you the
14 emergency vacation time over the phone, do you
15 mean John Zappolo or Commissioner Bentivegna?

16 A Commissioner Bentivegna.

17 Q Did you actually hear his voice
18 through the phone?

19 A Yes.

20 Q Now in order to take this emergency
21 leave did you have to use your vacation time?

22 A Yes.

23 Q Now let's back up a little bit.

24 You just testified that shortly
25 after Sandy you spoke with John Zappolo and he

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2 personally for Santino, do you mean that he was
3 an employee of the Town, that worked for
4 Santino?

5 A The Town of Hempstead. He worked
6 for the Town of Hempstead, for Santino.

7 Q Now at some point in time Anthony
8 Santino became the supervisor of the Town of
9 Hempstead; correct?

10 A Correct.

11 Q Was that in January, 2016, to your
12 knowledge?

13 A No, it was November, I thought --
14 no, '17, I think. I don't remember when he got
15 -- when he came, I don't remember.

16 MR. TAND: Can we go off the
17 record, for a second?

18 (At this time there was a
19 discussion held off the record.)

20 MS. COSTELLO: For the
21 record, counsel just had a
22 discussion off the record, wherein
23 we established that Anthony Santino
24 became Supervisor of the Town of
25 Hempstead in January of 2016.

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2 Exhibit CC.

3 (Above-described marked as
4 Defendant's Exhibit CC, for
5 Identification, as of this date.)

6 Q Okay, Mr. Reicherter, I am going to
7 show you what has been marked as Defendant's
8 Exhibit CC. It is Bates stamped
9 TOH-REICH00454.

10 (Handing Defendant's Exhibit CC to
11 the witness).

12 Please take a look at it.

13 A (Perusing the exhibit).

14 Okay.

15 Q Now this is a check dated December
16 17th, 2013 in the amount of \$27,464.62;
17 correct?

18 A Correct.

19 Q Is this the check you received as
20 payment for your vacation time?

21 A Yes, but not all.

22 Q What do you mean yes, but not all?

23 A This was only for fifty days, fifty
24 days on the books. There was a discrepancy in
25 time, where they still owed me time for days

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2 Q Now this document that we're
3 looking at is dated September 15th, 2016;
4 correct?

5 A Correct.

6 Q So according to page three of that
7 document, the sick time in relation to that
8 comp case was reinstated to you; correct?

9 A Correct.

10 Q And that was sick time that you
11 were owed, not vacation time; correct?

12 A Correct.

13 Q Okay. That's all I have for that.
14 Earlier we discussed that you were
15 terminated in August of 2013; correct?

16 A Correct.

17 Q Did you grieve that termination?

18 A Yes.

19 Q And that resulted in an
20 arbitration; correct?

21 A Correct.

22 Q What was the result of that
23 arbitration?

24 A That I was reinstated back to be
25 park supervisor 3, with my salary, and back to

1 Edward Reicherter 240

2 Recreation building. And then within that
3 building there's different departments; there's
4 personnel, there's cultural arts and then
5 there's recreation, aquatics.

6 Q So you were within the recreation
7 department within 200 Franklin Street; correct?

8 A Yes, 200.

9 Q And that's the Parks Administration
10 building; correct?

11 A Correct.

12 Q And what were your duties at that
13 time?

14 A Answer telephones.

15 Q What kind of calls did you answer?

16 A I took scores for the fire
17 department softball team.

18 Q What did you do with those scores
19 after you recorded them?

20 A I put them in an envelope and I put
21 them in Laura Peniciotta (phonetic), who was
22 the field coordinator for the Town of
23 Hempstead, the athletic field coordinator.

24 Q What was the purpose of recording
25 those scores?

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misconduct for leaving the park without
permission, which park are you referring to in
that paragraph?

A It would have to be Shell Creek or
Harbor Isle.

Q Is this an incident that occurred
prior to your termination in August of 2013?

A Yes.

Q Do you recall when it occurred
prior to your termination in August of 2013?

A I don't understand the question.

Q This incident where the Town
alleged that you had left the park without
permission, did that occur at some point in
2013, before your termination in August?

A Yes.

Q Okay. Did you receive a formal
discipline for this incident?

A No.

Q Okay. After you were reinstated to
your position with Parks did you apply to take
the civil service exam for Special Park
District Supervisor?

A Yes.

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2 application fee was nonrefundable; correct?

3 A Correct.

4 Q Okay. Did there come a point in
5 time when you did sit for the exam for special
6 park district supervisor?

7 A Yes, there was.

8 Q And when was that?

9 MR. TAND: If you remember.

10 Q If you remember.

11 A Yeah, I don't remember the date.

12 Q Was it this year?

13 A '18? No.

14 Q It was 2017, to the best of your
15 knowledge?

16 A (No verbal response).

17 Q If you don't remember, that's fine.

18 A I don't remember, yes.

19 Q But at some point you did actually
20 sit for the exam; correct?

21 A Yes.

22 Q And no one prevented you from
23 sitting for that exam; correct?

24 A Correct.

25 Q Did you pass that exam?

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2 A No, I don't -- well, I don't think
3 I did. I never got any notification back from
4 civil service yet.

5 Q You never received a notification
6 from civil service?

7 A No.

8 MS. COSTELLO: Off the
9 record.

10 (At this time there was a
11 discussion held off the record.)

12 Q Earlier today you testified you are
13 currently working in tech services; correct?

14 A Correct.

15 Q You still hold the title of park
16 supervisor 3?

17 A Correct.

18 Q When did you first begin working
19 for tech services?

20 A This is '18. Right?

21 Q Yes.

22 A So it was July 25th, 26th, of '16,
23 to present.

24 Q And what are your duties in that
25 role?

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2 MR. TAND: We'll take that
3 under advisement.

4 THE WITNESS: Thank you.

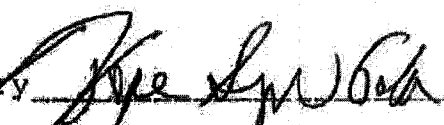
5
6 (Time noted: 4:45 p.m.)
7
8

9 I have read the foregoing transcript of my
10 deposition and find it to be true and accurate
11 to the best of my knowledge and belief.
12

13 
14

15 EDWARD REICHERTER

16
17 Subscribed and sworn to
18 before me this 28 day
19 of September, 2018.
20

21
22 Notary 
23 My Commission Expires _____
24

25

